IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL REVISION PETITION NO. 305/2007

(Bagadaram & Anr. V/s State of Rajasthan & Anr.)

Date of Order : 01/08/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Bharat Devasi, for the petitioners.
Mr. V.R.Mehta, public prosecutor for the State.
Mr. G.R.Punia for the respondent NO.2.

BY THE COURT:-

By the instant criminal revision petition under Section 397 r/w 401 Cr.P.C., the petitioner has challenged the order dated 9.4.2007 passed by Judicial Magistrate, Jaitaran (for short 'the trial court' hereinafter), whereby the trial court allowed the application filed by the respondent NO.2 under Section 23 of the Protection of Women From Domestic Violence Act, 2005 (for short 'the Act' hereinafter).

Learned counsel for the respondent No.2 submits that the order impugned is appealable under Section 29 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act of 2005' hereinafter) which provides that there

shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.

In this view of the matter, the order passed by the trial court under Section 23 of the Act is appealable and as such the instant petition is not maintainable.

The revision petition is therefore, dismissed as not maintainable. However, it is open for the petitioners to file an appeal if feels aggrived by the order impugned with an application under the Limitation Act seeking condonation of delay before the concerned Sessions Judge who shall decide the same in accordance with law.

(H.R.PANWAR),J.

rp